

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4170-04
Bill No.: SB 1013
Subject: Civil Procedure; Civil Rights; Courts
Type: Original
Date: February 10, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, – Division of Purchasing and Materials Management,** and the **Department of Labor and Industrial Relations** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any additional costs incurred in discovery can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of the Governor** did not respond to Oversight’s request for fiscal impact. However, in response to a similar proposal from the current session (SB 786, LR # 4171-01), officials assumed the proposal would have no fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation provides that certain individuals and entities that disseminate information to the public by print, broadcast, cable, satellite, mechanical, photographic, electronic, or other means shall not be required to disclose, in any state or federal proceeding, the source of such information. Such persons and entities also shall not be required to disclose any unpublished or non-broadcast information obtained or prepared in the gathering, receiving, or processing of information for any medium of public communication as described in this act.

The person or entity seeking the information may move the circuit court in the county where the proceeding is located for an order to require a person claiming the privilege to disclose the information sought. The motion shall include the name of the person claiming the privilege, the entity with which he or she was connected at the time he or she obtained the information, the specific information sought and its relevancy to the proceeding, and the necessity of disclosure of the information.

The court, in granting or denying divestiture of the privilege, shall consider the nature of the proceedings, the merits of the claim or defense, the adequacy of any remedy otherwise available, if any, the possibility of establishing by other means that which it is alleged the source or information will tend to prove, and the relevancy of the source or information to the proceeding.

DESCRIPTION (continued)

The court may only grant divestiture of the privilege if it finds, in a written order or in recorded proceedings, that:

1. The information sought does not involve matters or details necessary in any proceeding that are required to be kept secret under federal or state law, and that all other available sources of information have been exhausted; and
2. Disclosure of the information is essential to the protection of the public interest involved in the proceedings.

If the court orders divestiture of the privilege, it shall order disclosure of the information, subject to any protective conditions it deems necessary or appropriate. The privilege shall remain in effect during the pendency of any appeal.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration

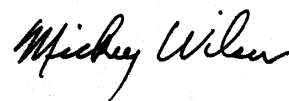
- Administrative Hearing Commission
- Division of Purchasing and Materials Management

Office of State Courts Administrator

Department of Labor and Industrial Relations

NOT RESPONDING

Office of the Governor



Mickey Wilson, CPA

L.R. No. 4170-04
Bill No. SB 1013
Page 5 of 5
February 10, 2006

Director
February 10, 2006

BLG:LR:OD (12/02)